

Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CIAE-00 INRE-00

DOEE-00 DODE-00 ACDE-00 /026 W

-----098775 241106Z /10

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 0038

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY MOSCOW PRIORITY

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E.O. 11652: XGDS-3

TAGS: PARM US UK UR

SUBJECT: CTB NEGOTIATIONS: US/SOVIET BILATERALS TO DISCUSS

THE AGREED UNDERSTANDING

CTB MESSAGE NO. 217

1. SUMMARY. ON MAY 23, US AND SOVIET DELOFFS MET, AT SOVIET REQUEST, TO DISCUSS THE AGREED UNDERSTANDING REGARDING THE CONSEQUENCES OF ARBITRARY REFUSAL TO GRANT ON-SITE INSPECTIONS (OSIS). THE SOVIETS REPORTED THAT THEY WERE NOT ABLE TO PERSUADE THEIR POLITICAL LEADERS IN MOSCOW THAT AN AGREED UNDERSTANDING WAS NECESSARY, BUT THE SOVIET DEL IS WILLING TO DISCUSS THE US PROPOSAL AND TO TRY TO DEVISE A POSSIBLE FORMULATION THAT IT MIGHT RECOMMEND TO MOSCOW. THE PRINCIPAL SOVIET OBJECTION, APART FROM DRAFTING DETAILS, APPEARS TO BE THE OVERT LINK BETWEEN DENIALS OF OSI REQUESTS AND WITHDRAWAL UNDER THE SUPREME INTEREST CLAUSE. AN ADDITIONAL SOVIET OBJECTION TO THE US PROPOSAL IS THAT, IN ITS CURRENT

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FORM, IT ALLEGEDLY LACKS BALANCE BETWEEN THE CONSEQUENCES OF ARBITRARY REQUESTS AND THOSE OF ARBITRARY REFUSALS. END SUMMARY.

2. ON MAY 23, AT SOVIET REQUEST, NEIDLE, GILLER, AND SCHRAG (US) MET WITH TIMERBAEV, BEZUMOV, AND SLIPCHENKO (USSR) TO DISCUSS THE AGREED UNDERSTANDING THAT HAS BEEN

PROPOSED BY THE US. TIMERBAEV MADE IT CLEAR FROM THE OUTSET THAT THE PRINCIPAL SOVIET PROBLEM IS THE LAST PHRASE OF THE US PROPOSAL WHICH OVERTLY LINKS ARBITRARY REFUSALS TO PROCEED WITH INSPECTIONS TO THE POSSIBILITY OF WITHDRAWAL BY THE OTHER SIDE UNDER THE SUPREME NATIONAL INTERESTS CLAUSE. NEIDLE EXPLAINED THAT AN AGREED UNDERSTANDING IS CENTRAL TO US ACCEPTANCE OF THE PRINCIPLE OF VOLUNTARINESS BECAUSE REFUSAL TO AGREE TO AN INSPECTION, UNDER THE PRINCIPLE OF VOLUNTARINESS, WOULD NOT PER SE BE A TREATY VIOLATION. IF THERE WERE A PATTERN OF ARBITRARY REFUSALS A PARTY MIGHT WITHDRAW, NOT BECAUSE THE OTHER PARTY HAD VIOLATED THE TREATY, BUT BECAUSE THAT PARTY MIGHT FEEL SUFFICIENTLY UNCERTAIN OF TREATY COMPLIANCE THAT IT WOULD CONSIDER ITS SUPREME NATIONAL INTERESTS TO BE JEOPARDIZED.

3. TIMERBAEV ASKED SEVERAL QUESTIONS ABOUT THE UNDERSTANDING. IN RESPONSE TO THE SUGGESTION THAT REFERRALS OF ARBITRARY REFUSALS TO THE SECURITY COUNCIL MIGHT SOLVE THE PROBLEM, NEIDLE POINTED OUT THAT ANY PERMANENT MEMBER COULD PREVENT AN INSPECTION, MAKING THE SECURITY COUNCIL PROCEDURE NO MORE THAN A WORTHWHILE SUPPLEMENT. IN RESPONSE TO A QUESTION ABOUT WHETHER THE UNDERSTANDING WOULD HAVE GENERAL APPLICABILITY FOR THE MULTILATERAL TREATY, NEIDLE REPLIED THAT THE UNDERSTANDING APPLIED ONLY AS BETWEEN THE US AND THE SOVIET UNION AND THEIR SECRET

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BEHAVIOR UNDER THE SEPARATE VERIFICATION AGREEMENT.

4. TIMERBAEV SAID THAT THE SOVIET DEL HAD TRIED TO EXPLAIN THE US PROPOSAL TO AUTHORITIES IN MOSCOW DURING THE APRIL RECESS BUT WAS UNABLE TO PERSUADE THEM THAT THE UNDERSTANDING WAS NECESSARY SINCE THE NEED TO SUBSTANTIATE OSI REFUSALS WOULD, IN ANY EVENT, BE IN THE TEXT. THE SOVIET DELEGATION WAS PREPARED TO DISCUSS IT FURTHER AND TO SEE WHETHER A RECOMMENDATION OF A POSSIBLE FORMULATION COULD BE SENT TO MOSCOW.

5. TIMERBAEV ASKED WHETHER THE UNDERSTANDING HAD TO BE CONTAINED IN A SEPARATE DOCUMENT. NEIDLE RESPONDED THAT WE THOUGHT THAT THIS FORMAT WOULD BE EASIER FOR THE SOVIETS BUT THAT, IF THE SOVIETS PREFERRED, WE COULD CONSULT WITH WASHINGTON ABOUT THE POSSIBILITY OF INCORPORATING THESE CONCEPTS IN THE AGREEMENT ITSELF. TIMERBAEV INDICATED THAT HE WAS NOT CERTAIN WHICH FORMAT WOULD BE MORE PALATABLE.

6. TIMERBAEV SAID THERE WERE SUBSTANTIVE PROBLEMS AS WELL AND REITERATED HIS PROBLEM WITH THE OVERT LINK TO

WITHDRAWAL. GILLER (US) SAID THAT IF THE PROBLEM WAS MERELY ONE OF REDUNDANCY, HE WONDERED WHY THE SOVIETS SHOULD BE TROUBLED BY IT. TIMERBAEV REPLIED THAT THE SOVIETS WERE CONCERNED THAT THE LAST CLAUSE OF THE US PROPOSAL COULD BE VIEWED AS PREJUDICING THE PRINCIPLE OF VOLUNTARINESS. MOREOVER, IT LACKED BALANCE BECAUSE THE US PROPOSAL DID NOT RECOGNIZE THAT ARBITRARY REQUESTS COULD CREATE TENSIONS BETWEEN THE PARTIES WHICH, LIKE ARBITRARY REFUSALS, COULD UNDERMINE CONFIDENCE. ONLY

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ARBITRARY REFUSALS, NOT ARBITRARY REQUESTS, WERE LINKED TO POSSIBLE WITHDRAWAL. GILLER REPLIED THAT THE US PROPOSAL FOR AN UNDERSTANDING HIGHLIGHTED THE SERIOUSNESS OF REQUESTING AN OSI AND THE CONSEQUENCES OF A REFUSAL, WHICH WOULD SURELY DISCOURAGE UNSUBSTANTIATED OSI REQUESTS AND WOULD BE A MAJOR FACTOR IN REDUCING THE NUMBER OF SUCH REQUESTS.

7. TIMERBAEV REMINDED NEIDLE THAT SOVIET DEL CHAIRMAN PETROSYANTS HAD STATED THAT THE WORD "ARBITRARY" IN THE AGREED UNDERSTANDING WOULD ALSO CREATE A PROBLEM FOR THE SOVIETS. NEIDLE RECONFIRMED THAT WE WOULD BE WILLING TO CONSIDER DRAFTING CHANGES THAT COULD RESOLVE THE PROBLEM TO THE SATISFACTION OF BOTH SIDES. TIMERBAEV NOTED THAT THE SOVIETS HAD REPEATEDLY SAID THAT "IN MAKING A DECISION ON ON-SITE INSPECTION REQUESTS, A PARTY SHOULD ACT SO AS TO ASSURE THE OTHER PARTIES THAT TREATY OBLIGATIONS ARE

BEING FULFILLED". HE ASKED WHETHER THIS COULD SUBSTITUTE FOR THE LAST CLAUSE OF THE US FORMULA. NEIDLE SAID THAT WE COULD CONSIDER ADDING SUCH A CONCEPT, BUT THAT THE

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SOVIET PROPOSAL COULD NOT SUBSTITUTE FOR THE US CLAUSE WHICH EXPRESSED A KEY CONCEPT FOR US. TIMERBAEV SAID THAT MERELY MAKING ADDITIONS WOULD NOT SOLVE THE PROBLEM.

8. IT WAS AGREED THAT THE DELEGATIONS WOULD CONSIDER THE PROBLEM AND WOULD RESUME DISCUSSION OF THIS ISSUE IN A FEW DAYS. NEIDLE

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Message Attributes

Automatic Decaptoning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LIMITED TEST BAN TREATY, DISARMAMENT, NEGOTIATIONS, SITE SURVEYS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA07968
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X3
Errors: N/A
Expiration:
Film Number: D780218-0860
Format: TEL
From: GENEVA
Handling Restrictions:
Image Path:
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Legacy Key: link1978/newtext/t19780525/aaaaauwx.tel
Line Count: 186
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2592213
Secure: OPEN
Status: NATIVE
Subject: CTB NEGOTIATIONS: US/SOVIET BILATERALS TO DISCUSS THE AGREED UNDERSTANDING CTB MESSAGE NO. 217
TAGS: PARM, US, UK, UR
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/3469c397-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014